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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/024,790 | 12/19/2001 | Michael P. Gorman | ELECTRO.001C | 5853 |
| 28222 | 7590 | 12/15/2003 | EXAMINER | |
| LAW OFFICE OF GLENN R. SMITH 28626 BROOKHILL ROAD TRABUCO CANYON, CA 92679-1163 | | | GILMAN, ALEXANDER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2833 | |

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| <i>Office Action Summary</i> | Application No. | Applicant(s) |
|------------------------------|------------------|--------------------|
| | 10/024,790 | GORMAN, MICHAEL P. |
| | Examiner | Art Unit |
| | Alexander Gilman | 2833 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 37,38,40,41 and 43-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 37,38,40,41 and 44-49 is/are rejected.

7) Claim(s) 43 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 37, 39, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Figart et al

With regard to claim 37, (US 4,780,088) discloses (Fig. 1,3) an electrical module (14) comprising:

front and back covers (considering front and back sides of a front portion (to which an arrow of r.n. 14 is shown in Fig. 1) of the module;

an electrical function being user accessible from said front cover;

a plurality of fixtures (portions accepting r.n. 82, and 84) extending generally perpendicularly from said back cover; and

a plurality of contacts (82, 84).

With regard to claim 38, Figart et al disclose a thermoplastic key (the projections on lateral sides of the back cover have different width) allowing insertion of the module in the specified orientation only.

With regard to claim 40, Figart et al disclose a conductive element (a portion with an aperture for element 55.

4. Claims 41, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Premoshis

With regard to claim 41, Premoshis (US 2,908,743) discloses a wiring panel comprising:

a board having front and back sides;

a raised chamber portion (14b) retaining (with 16) panel contacts (15)

a panel fixture portion (a part of 14 on right from 13) disposed at least partially around panel contacts (15)

a cover (10);

said fixture portion engages a module fixture portion (a back surface of 18).

With regard to claim 44, Premoshis discloses a bracket (13)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 37,38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figart et al.

With regard to claim 37, Figart et al (US 4,165,443) discloses (Fig. 1,3) an electrical module (14) comprising:

front and back covers (considering front and back sides of a front portion (to which an arrow of r.n. 14 is shown in Fig. 1) of the module;

an electrical function being user accessible from said front cover;

a plurality of fixtures (portions accepting r.n. 82, and 84) extending generally perpendicularly from said back cover; and

a plurality of contacts (82, 84).

With regard to claims 38 Figart et al disclose a thermoplastic key (the projections on the lateral sides of the module having uneven width to prevent reverse mounting into the the box).

With regard to claim 40, Figart et al disclose a conductive element (a portion with an aperture for element 55.

2. Claims 45, 46, 48, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Premoshis in view of Eckert

With regard to claims 45 and 48, Premoshis discloses a wiring panel comprising:

a board having front and back sides;

a raised chamber portion (14b) retaining (with 16) panel contacts (15)

a panel fixture portion (a part of 14 on right from 13) disposed at least partially around panel contacts (15)

said wiring panel installable within an electrical box (10).

Premoshis does not disclose a module fixture shielding a module contact.

Eckert (US 3,710,287) discloses a fixture (24, 26) shielding a module contact.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Premoshis' assembly with a module fixture shielding a module contact as taught by Eckert , to safely connect the panel and the module.

With regard to claim 46, Premoshis when modified by Eckert, discloses partitioning of the interior of the box (10) with (13), and buss portion (16,17).

3. Claims 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Premoshis in view of Eckert and further in view of Figart.

Premoshis when modified by Eckert, discloses all of the limitations except for the module having a ground bar and the panel having the corresponding slot

Figart et al disclose the module has a ground bar (80) and the panel has the corresponding slot.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Premoshis' assembly with a ground bar and a corresponding slot as taught by Figart , to safely connect the panel and the module.

Allowable Subject Matter

Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art has been found to anticipate or render obvious the presently claimed subject matter. Specifically, none of the prior art of record discloses the combination of the limitations presented including

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the position of the breakways disposed on the busses of the wiring panel – to perform isolation of the contacts on the rough stage of assembling the modular wiring system.

Response to Arguments

Applicant's arguments filed 09/25/2003 have been fully considered but they are not persuasive.

With regard to claim 37, rejected over Figart, Applicant argues that the respective reference do not disclose the contacts retained by said front cover back side and said back cover front side.

The contacts in Figart, while are not shown, are supported by both the front cover (the element indicated by r.n. 14) and back cover. That structure, for example is illustrated by Olson (US 5,399,806) fig. 4. Particularly, the front cover (114) support contact portions 142 and the back cover – the portions 130).

With regard to claim 40, rejected over Figart, Applicant argues that element to which an arrow of r.n. 14 shown in Fig. 1 is not disposed at least partially around the outside of said front cover.

However, that conductive element is located at least partially around the front cover.

Applicant's arguments with respect to claims 41, 43-49 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

12/10/2003

Alex Gilman

**ALEXANDER GILMAN
PRIMARY EXAMINER**